

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAILSTOP APPEAL BRIEF, ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, P.O. BOX 1450, ALEXANDRIA, VA, 22313-1450, ON:

Date:

7/28/2004

By:

DANIEL MICHAEL

PATENT

Attorney's Docket No. PHA 23.782

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SHTEYN

Group Art Unit: 2154

Application No.: 09/433,257

Examiner: Wen Tai Lin

Filed: 11/04/1999

Appeal No. _____

For: PARTITIONING OF MP3 CONTENT
FILE FOR EMULATING STREAM-
ING

BRIEF FOR APPELLANT

Mailstop APPEAL BRIEF
Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This appeal is from the decision of the Primary Examiner dated 03/25/2004, finally rejecting claims 2-6, 14, 17 and 20, which are reproduced as an Appendix to this brief.

The Commissioner is authorized to charge the fee of \$330, and any other fees that may be required by this paper, to Deposit Account No. 14-1270.

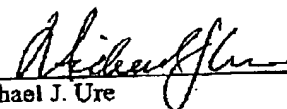
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(10) CONCLUSION

For the foregoing reasons, claims 4-6, 14, 17 and 20 are not anticipated by Cohen,
nor would claims 2 and 3 have been obvious in view of the same.

Applicant respectfully submits therefore that the Final Rejection should be
REVERSED.

Respectfully submitted,

By: 
Michael J. Ure
Attorney for Applicant
Registration No. 33,089

Date: July 27, 2004